



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C., 20460

MAY 19 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Mr. Adan U. Solis
Boost Diesel Repair LLC
13901 Kershaw Street
Houston, TX 77047

Mr. Adan U Solis, Director
11915 Steamboat Springs
Houston, TX 77067

Boost Diesel Repair LLC
430 E. Helms Road Suite C3
Houston, TX 77037

Re: Docket No. AED-17-8327

Dear Mr. Solis:

As you know, authorized representatives of the United States federal government conducted an inspection to determine your company's compliance with the Clean Air Act (CAA) and regulations promulgated thereunder. The details of this inspection were previously communicated to you and are outlined in the enclosed Clean Air Act Mobile Source Expedited Settlement Agreement (Agreement). As a result of the inspection, The United States Environmental Protection Agency ("EPA") has determined that your company failed to comply with the CAA and the associated regulations. The Agreement describes the violations.


Based upon the information we currently have, it appears your company has not previously violated the CAA. Because of this, you may resolve the current violation(s) using an expedited process that includes significantly lower penalties than those sought through the normal settlement process. EPA is authorized to enter into this Agreement under the authority vested in the EPA Administrator by Section 205(c)(1) of the CAA, 42 U.S.C. § 7524(c)(1). Should your company violate the CAA in the future, the EPA will not offer this expedited process again. After the Agreement becomes effective, the EPA will assess no further civil penalties against your company for the violation(s) described in the Agreement. However, the EPA does not waive any right to take an enforcement action for any other past, present, or future violations of the CAA, or of any other federal statute or regulation.

Also, based on the financial information that you provided to us, we have significantly reduced the penalty for a demonstrated inability to pay, in accordance with EPA policy. We would like to emphasize that this reduction may not be available for future violations. And we would also like to point out to you that, under 42 U.S.C. § 7413(c)(2)(C), "Any person who knowingly...falsifies, tampers with, renders inaccurate, or fails to install any monitoring device or method required to be maintained or followed under [the Clean Air Act] shall, upon conviction, be punished by a fine...or by imprisonment...or both." Therefore, EPA expects that you will cease the operations that lead to these violations and no longer engage in those types of activities in the future, as you have represented to the Agency.

If you do not sign and return the enclosed Agreement as presented within 30 calendar days of receipt and meet all of your obligations under the Agreement, the proposed Agreement is withdrawn without prejudice to the EPA's ability to file an enforcement action for the violation(s) identified in the Agreement, and the EPA retains the ability to seek penalties of up to \$4,454 per violation of Section 203(a)(3) of the CAA, 42 U.S.C. § 7522(a)(3).

Please refer to "CAA Mobile Source Expedited Settlement Agreement Instructions," attached, for instructions on accepting this Agreement.

Sincerely,

 Evan Belser
for Phillip A. Brooks, Director
Air Enforcement Division
Office of Civil Enforcement

Enclosure

DOCKET NO. AED-17-8327 Respondent: Boost Diesel Repair LLC
13901 Kershaw Street
Houston, TX 77037

- APPROVED BY EPA:

Date: May 19, 2017

APPROVED BY RESPONDENT:

Title (print): A member

Date: 16/1/17

RATIFIED BY EPA:

Date: 8/22/17

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Table 1 - Inspection Information	
Entry/Inspection Date(s):	Docket Number:
September 22, 2016	C A A - 1 7 - 8 3 2 7
Inspection Location:	Entry/Inspection Number(s)
13901 Kershaw Street	2 0 1 6 - 0 9 - 2 2 - 1 0 0 0
City:	Inspector(s) Name(s):
Houston	Doreen Au Bill Squier
State: Zip Code:	EPA Approving Official:
TX 77037	Phillip A. Brooks
Respondent:	EPA Enforcement Contact(s):
Boost Diesel Repair LLC	Caitlin Meisenbach, Attorney-Adviser, (202) 565-0062 Tony Miller, Chemical Engineer, (303) 312-7161

Table 2 - Description of Violations and Vehicles/Engines
<p>On September 22, 2016, authorized inspectors obtained evidence that Boost Diesel Repair LLC (Boost) had sold and installed products which render inoperative emission control systems on EPA-certified motor vehicles and motor vehicle engines. It is a violation of Section 203(a)(3) of the CAA, 42 U.S.C. § 7522(a)(3) to sell and install a defeat device, and to tamper with a EPA-certified motor vehicle or motor vehicle engine. From August 3, 2014, until September 20, 2016, the EPA has determined that fifteen (15) vehicles were altered in violation of Title II of the Clean Air Act (CAA) by Boost. The EPA has determined Boost committed thirty (30) violations of CAA § 203(a)(3), 42 U.S.C. § 7522(a)(3). These violations include selling and installing defeat devices; rendering inoperative On-Board Diagnostics; and removing Exhaust Gas Recirculation systems, Diesel Oxidation Catalysts, Diesel Particulate Filters, and Selective Catalytic Reduction systems.</p>

Table 2 (cont): Description of Invoices, Engines, and Violations				
Count	Invoice Date	Year, Make, Model	VIN	Violations of CAA § 203(a)(3)
1	8/3/2014	2006 Ford F-350 Super Duty	1FDWF36PX6EC81519	1
2	10/21/2015	2008 Ford F250	1FTSW21R68EA14824	2
3	1/16/2016	2008 Dodge 3500	3D7KS28A18G242370	2
4	2/2/2016	2012 Dodge RAM 3500	3C63DRNL7CG178844	2
5	2/2/2016	2010 Ford F250	1FTSW2BR1AEA83473	2
6	2/11/2016	2008 Ford F350	1FTWW33R28ED14512	2
7	5/20/2016	2014 Dodge 3500	3C63RRJL2EG193634	2
8	5/26/2016	2012 Dodge RAM 3500	3C7WDSCLXCG160437	2
9	6/3/2016	2012 Dodge 3500	3C63DPGL2CG212805	2
10	6/22/2016	2011 Ford F-250	1FT1W2BT8BEA72893	2
11	6/24/2016	2008 Ford F-250	1FTSW21R38EA35307	2
12	7/3/2016	2011 Dodge 2500	3D7UT2CL9BG637886	2
13	7/14/2016	2008 Ford F-350	1FTWW31R28EB55462	3
14	7/29/2016	2011 Dodge RAM 3500	3D73M4CL6BG636702	2
15	9/20/2016	2012 Dodge RAM 3500	3C63DRGL3CG110179	2

Table 3 - Penalty and Required Remediation	
Penalty	\$100, based on a demonstrated inability to pay, in reliance on information provided by Boost
Required Remediation	In addition to paying the monetary penalty, Boost must cease and refrain from purchasing, selling, and installing, any device that defeats, bypasses, or otherwise renders inoperative an emission component of any engine regulated by the EPA. Also, Boost must cease and refrain from tampering with emission control systems on EPA-certified motor vehicles and motor vehicle engines.



Receipt

Your payment is complete

Pay.gov Tracking ID: 262PQ2N6

Agency Tracking ID: 75256132378

Form Name: EPA Miscellaneous Payments - Cincinnati Finance Center

Application Name: EPA Miscellaneous Payments

Payment Information

Payment Type: Debit or credit card

Payment Amount: \$100.00

Transaction Date: 06/01/2017 11:46:47 AM EDT

Payment Date: 06/01/2017

Account Information

Cardholder Name: Boost Diesel Repair

Card Type: Visa

Card Number: *****8487

Email Confirmation Receipt

Confirmation Receipts have been emailed to:

BOOSTDIESELREPAIR@GMAIL.COM

EPA Fine